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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,948	06/25/2003	Venkatasubramanian Ananthanarayanan	DP-307603(CIP2)	3132

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EXAMINER

STONER, KILEY SHAWN

ART UNIT PAPER NUMBER

1725

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,948

Applicant(s)

ANANTHANARAYANAN ET AL.

Examiner

Kiley Stoner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,10,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,5,8,9,11 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-19-04/3-8-04/3-10-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 6-7, 10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Leibhard et al. (4,269,106). Leibhard et al. teaches a method for metallurgically joining a first tube to a member comprising the steps of: a) obtaining a first tube having a flange; b) obtaining a member; c) after steps a) and b), disposing the first tube and the member with the flange contacting the member directly and/or indirectly through an intervening welding/brazing joining material, wherein at least one of the flange and the member is segmented, and wherein the contact between the flange and the member is a segmented contact at a plurality of spaced-apart contact areas between the flange and the member; d) after step c), creating a resistance welding/brazing current path through the first tube and the member at a first one of the plurality of contact areas creating a first weld/braze zone which includes at least some of the flange and at least some of the member; and e) after step d), creating a resistance welding/brazing current path through the first tube and the member at a different second one of the plurality of contact areas creating a second weld/braze zone which includes at least some of the flange and at least some of the member (abstract;

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column 1, line 54-column 2, line 30; column 4, line 8-column 4, line 55; and claims 1 and 7); the flange is an annular outwardly-extending end flange disposed proximate an end of the first tube (Figures); during step d), the step of applying a force to relatively move the flange deformingly against the member at, and only at the first one of the contact areas, and further including, during step e), the step of applying a force to relatively move the flange deformingly against the member at, and only at, the second one of the contact areas (column 1, lines 5-26 and claim 6); the end flange includes a plurality of spaced-apart annular segments, and wherein the contact between the end flange and the member is a contact between each of the annular segments of the end flange and the member (Figures); the member is a second tube (entire disclosure); the member is a non-tubular member (entire disclosure). It is the examiner's position that in the broadest sense the dowel body could be considered either a tube or a non-tubular member due to its shape.

Leibhard et al. also teaches a method for metallurgically joining a first tube to a member comprising the steps of: a) obtaining a first tube having a flange; b) obtaining a member; c) after steps a) and b), disposing the first tube and the member with the flange contacting the member directly and/or indirectly through an intervening welding joining material, wherein at least one of the flange and the member is segmented, and wherein the contact between the flange and the member is a segmented contact at a plurality of spaced-apart contact areas between the flange and the member; d) after step c), creating a resistance welding current path through the first tube and the member at one of the plurality of contact areas creating a weld zone which includes at

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least some of the flange and at least some of the member; and e) repeating step d) once for each of the remaining ones of the contact areas each time creating a different weld zone which includes at least some of the flange and at least some of the member (abstract; column 1, line 54-column 2, line 30; column 4, line 8-column 4, line 55; and claims 1 and 7). It is inherent that when each of the segmented portions of the dowel are resistance welded a different weld zone will be created.

In addition, Leibhard et al. teaches step c) disposes the first tube and the member with the flange contacting the member directly (abstract; column 1, line 54-column 2, line 30; column 4, line 8-column 4, line 55; and claims 1 and 7).

Allowable Subject Matter

Claims 2, 5, 8-9, 11 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 17-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or suggest either alone or in combination a method of metallurgically joining a first tube to a member as recited by claim 17, particularly disposing the first tube and the member with the flange contacting the member indirectly through the intervening brazing joining material, wherein at least one of the flange and the member is segmented, and wherein the contact between the flange and the member is the segmented contact at the plurality of spaced-apart contact areas

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between the flange and the member; d) after step c), creating the resistance brazing current path through the first tube and the member at one of the plurality of contact areas creating the braze zone which includes at least some of the flange and at least some of the member; and e) repeating step d) once for each of the remaining ones of the contact areas each time creating the different braze zone which includes at least some of the flange and at least some of the member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art of record that is cited as of interest is presented on the form-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiley Stoner whose telephone number is (571) 272-1183. The examiner can normally be reached on Monday-Thursday (7:30 a.m. to 6:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on Monday-Friday at (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KILEY S. STONER
PRIMARY EXAMINER

Kiley Stoner 11/29/07